

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In the Matter of )

Geographic Partitioning and Spectrum )  
Disaggregation by Commercial Mobile )  
Radio Services Licensees )

WT Docket No. 96-148

Implementation of Section 257 of the )  
Communications Act - )  
Elimination of Market Entry Barriers )

GN Docket No. 96-113

To: The Commission

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**REPLY COMMENTS OF AMERICALL INTERNATIONAL, LLC**

Americall International, LLC ("Americall"), by its attorneys, hereby submits its reply comments in the above-captioned proceeding. Americall is the winning bidder for nine C Block broadband PCS licenses. It is also a participant in the D, E and F Block license auction.

Like the majority of commenters, Americall supports the Commission's efforts to increase flexibility with regard to spectrum disaggregation. By increasing the options for subdividing the rights granted in broadband PCS licenses, the proposed rule changes will permit necessary infusions of capital and will result in a true spectrum marketplace where businesses can obtain capacity where needed to rapidly serve growing consumer demand. The proposals will meet the

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Commission's goals<sup>1/</sup> by helping to minimize the barriers that ordinarily accompany the sale or purchase of the existing large blocks of broadband PCS spectrum by small businesses such as Americall.

Americall concurs with the proposals concerning spectrum disaggregation. Permitting disaggregation prior to the five-year construction benchmark will facilitate increased competition: a greater number of companies will have access to spectrum in more frequency bands, and consequently will be able to more rapidly enter and compete in those bands.

Licensees should be permitted to hold licenses for a minimum of 1 MHz of broadband PCS spectrum.<sup>2/</sup> Advanced digital cordless telephone services, portable facsimile and certain wireless LAN services can be provided over less than 1 MHz. Moreover, although the authorized spectrum bands have been used to distinguish the broadband from the narrowband radio service, the services will remain distinguishable by reference to the frequency band for which the initial

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<sup>1/</sup> See Notice of Proposed Rulemaking, FCC 96-287, WT Docket No. 96-148, GN Docket No. 96-113, released July 15, 1996, ¶ 11 ("NPRM").

<sup>2/</sup> See NPRM, ¶ 43. Accord, Comments of BellSouth at 12; Omnipoint at 10-11.

license for the relevant spectrum was granted.<sup>3/</sup> Where a licensee offers only narrowband PCS services utilizing broadband PCS bands, the company could be provided with a choice as to which set of rules shall apply.

The Commission should free a disaggregator from responsibility for meeting obligations of the disaggregatee,<sup>4/</sup> aside from any arrangements among the two parties reached in private agreement. The initial licensee should not be placed in the position of guaranteeing the debts or performance of a partitionee, particularly where the two have no control relationship.

Although Americall supports the general goal of providing alternative means of satisfying construction obligations, it advocates permitting parties to a disaggregation agreement to allocate construction obligations among themselves.<sup>5/</sup> If this private agreement results in construction that would have sufficed to meet the initial licensee's required buildout, no additional construction or certifications should be required.

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<sup>3/</sup> See 47 C.F.R. § 24.5 (defining "broadband PCS" and "narrowband PCS" by reference to frequency bands, rather than block size).

<sup>4/</sup> Accord, Comments of Cook Inlet Region, Inc. at 3; NextWave at 2, 4-5.

<sup>5/</sup> Accord, Comments of U S West at 15.

## CONCLUSION

Americall advocates prompt adoption of the Commission's proposals to permit expedited broadband PCS spectrum disaggregation, and respectfully urges the Commission to free a disaggregator from responsibility for meeting obligations of its disaggregatee, aside from any duties reallocated by agreement between the parties.

Respectfully submitted,

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## CERTIFICATE OF SERVICE

I, Kathy Bates, a legal secretary with the law firm of Hogan & Hartson L.L.P., hereby certify that on this 30th day of August, 1996, a copy of the foregoing Reply Comments of Americall International, L.L.C. was delivered by U.S. first class mail, postage prepaid, except where otherwise indicated, to the parties listed below.

  
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